

**Town of Foxborough
Conservation Commission Minutes
January 23, 2012**

Members Present: Robert Boette (Chair), James Marsh, Douglas Davis, Judith Johnson, Valerie Marshall and Eric Nelson (Clerk)

Absent: Allan Curtis (Vice Chair)

Staff Present: Jane Sears Pierce, Conservation Manager and Lee Ann Tavares, Secretary

Meeting Opened

Bob Boette opened the meeting, held in the Lower Level Meeting Room, at 7:00 p.m.

Public Comment

Bob Cantoreggi, 67 Willow Street, was present to discuss the Willow Street conservation area gate (under the power lines) being left open after Mr. Ed Lawson hayed the field. He said that the hay is still on the field, as well as some dumped materials, which are being used as jumps by kids on ATV's. Bob said that he would go out to secure the gate on the following day.

45 Panas Road, DEP #157-502, Continued ANRAD, Red Snapper Realty Trust

Lauren Hastings, PARE, the applicant's representative attended the meeting. Ms. Hastings gave a brief introduction and described wetland flag changes that were made as a result of Jane's and her site visit. Jane pointed out that Ms. Hastings' wetland delineation was very thorough, particularly since the site was a difficult one to delineate and navigate around since there had been extensive dumping, probable farming, and other site alterations in the past. She also pointed out two probable vernal pools and indicated that the site's stream was probably intermittent.

Ms. Hastings told the Commission that one small non-jurisdictional area, near the intermittent stream and within the 25 foot no disturb area, had been left on the plan. Bob stated that one area, behind Christina's on Route 1, did not have any wetland lines on it (so wasn't reviewed in the field) and should not be included in the approval. Jane asked Ms. Hastings whether she had reviewed this area; Ms. Hastings stated that she had. Jane stated that since Ms. Hastings had reviewed the area and had not found any wetlands, she assumed that Ms. Hastings was correct/accurate.

Mr. Bill Buckley challenged the Manager's place in identifying vernal pools in the field, saying that certifying pools was the State's job, not the Manager's. He also questioned the Bylaw's definition of "certified" vernal pools, as approved at Town Meeting, saying he was pulling the town records to review them.

Motion was made by Doug Davis to close the hearing; seconded by Jim Marsh. **Vote: 6-0-0**

67 Mechanic Street, DEP #157-489, OOC Amendment Request, YMCA

Bob opened the hearing by reading the legal notice, as posted in the Sun Chronicle. The applicant's representative, Mr. Bill Buckley of Bay Colony Group, and Mr. Greg Spier, Chairman of the Board for the YMCA, attended the meeting.

Mr. Buckley explained that they are modifying their project, including the consolidation of the two bath houses into one facility, relocating the new sewer line and were probably not going to build the previously proposed splash park. He stated that the bath house building would not be closer to the resource area or larger, nor would there be any additional impervious areas for the proposed modification.

He described the proposed sewer line relocation, stating that it would need to run along the opposite side of the building than previously proposed, which would place it 50 feet from the bordering vegetated wetland at its closest point. Mr. Buckley explained that the pump system fills up at the bathroom area, pumps to the main building, then slowly flows back to the bath area when done; it

doesn't stay in the pipe. It would usually run several (around ten) times per day. The pool will use a cartridge system so backwashing will not be required. When installing the pipe, they might hit groundwater, so might need to dewater. If necessary, dewatering plans will be left up to the contractor. The project would be outside of the 25 foot no disturbance zone and located in the outer riparian zone.

Motion was made by Doug Davis to find the proposed changes to be insignificant; seconded by Val Marshall. Vote passed, **6-0-0**

192 North Street, Request for Determination, Goodwin

The applicant's representative, Michael Trowbridge, attended the meeting; the applicant was not present. Mr. Trowbridge described the proposed septic repair, explaining that the current failed system is located in the backyard, not far from the wetland resource area. The proposed system has Board of Health approval; the existing tank will be abandoned and filled with stone. Bob and Jane visited the site and found it to be a straight-forward filing, without any issues. The new system will be installed in the side yard, further away from the wetlands.

Motion was made by Doug Davis to close the meeting, seconded by Judi Johnson. **Vote: 6-0-0**

Motion was made by Doug Davis to issue a Negative Determination (checking form #3, #6); seconded by Eric Nelson. **Vote: 6-0-0**

242-244 Main Street Forest Cutting Plan and NOI under Ch. 132, "Old Judge Brown Property" The Chairman announced that a topic had come up that needed to be discussed in a timely manner. The Commission discussed the DCR approved Forestry Cutting plan for 242-244 Main Street, an 82 acre parcel surrounded on three sides by Foxborough Conservation Land. The plan was of concern since it appeared that 80% of the lot's pine trees would be cut and two wetlands crossings were proposed.

Jane explained that she had called the DCR District 2 Service Forester, Guy LaChance and left a voice message saying that she wanted to accompany him when he visited the site. She then spoke to Alice Dziczek in the Administrative Office, who explained that the site's forestry operation could not start until Mr. LaChance had approved the plan, but she didn't seem to know whether the plan had been approved yet, stressing that the DCR had 10 business days to review the plan. She then called the plan preparer, John Clarke (a Mass Licensed Forester) to ask him whether the property's boundaries had been surveyed. He said that he had found the abutting property surveys, but not this one, adding that the deed for the property was "terrible" (i.e. old, referencing stone walls, etc.). Mr. Clarke informed her that the Forest Cutting Practices Act did not require properties to be surveyed.

The Commissioners reviewed the proposed plan and were concerned that the wetland line delineation had not been reviewed or approved. Although, no cutting was proposed in the wetlands it was not know whether the wetlands had been depicted properly. Jane noted her concern about cutting in the 50 foot (from open water) "filter strips," as was not clear what exactly could be done within these strips. Also, information about the contracted timber harvester had been left blank. Judi had drafted a letter to the DCR, outlining the Commission's concerns.

Motion was made by James Marsh to send Judi's letter to interested parties the following day; seconded by Doug Davis. **Vote: 6-0-0**

Remote Meeting Participation

Responding to a request from Kevin Paicos, who asked for the Commission's views on the subject of the Town allowing remote meeting participation. The Commission took an informal vote; three members were against allowing remote meeting participation and three were undecided.

Annual Report

Jane had been working on drafting the annual report. She had included information about the Open Space Plan, the Bill Hocking Memorial Fund, and other subjects. She also wanted to include a paragraph about the late Harry Bloomberg and asked the Commission for their input.

Conservation Rental Properties

Judi, Bob and Val visited three of the Commission's rental houses. They are currently in the process of developing a management plan for all of their rental properties. Jane met with Kevin Paicos about replacing the furnace at 89 North Street and was told to solicit three bids for the work. He also instructed her to list the two properties with leases expiring at the end of April (89 North Street, 120 Spring Street) with one of the larger real estate agents in town who could determine the market rate for the rentals, screen applicants, show the properties, etc. He told her that the Attorney General is very strict about requiring town properties to be rented at market value and, if this isn't done, the town can be fined.

Letters will be going out to the two tenants regarding their expiring leases and what the Commission will be doing for the next lease cycle. They will be told that they will need to deal with the realtors if they want to renew their lease at a higher rate. With this higher rate, the town would be paying for property repairs. Val volunteered to assist with the wording of the letters. At the Fairbanks house an opened window was observed on the top floor that needs to be secured and there is a huge tree across the road. The new DPW Manager, Roger Hill, will be notified.

Dam Review Meeting

Jane met with Kevin Paicos, Bob Swanson, Roger Hill and the Town's new consultant, Mike Carter, to review his dam reports. The Bleachery dams appear to be the worst. Jane suggested removing the spillway on the side that is opposite the mill buildings and restoring the riverfront habitat. This would lower water levels and create more flood storage for the area. They will research the project and meet again in three weeks.

Meeting Adjourned

Motion was made by Doug Davis to adjourn; seconded by Jim Marsh. **Vote 6-0-0.**

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Documents, Not Referenced Above, Reviewed During Meeting

Attached Documents:

1. Agenda, January 23, 2012
2. Meeting Sign In Sheet

Location of Other Documents:

3. Manager's Report, filed in Manager's Report binder in Conservation Commission's office.
4. Referenced projects' documents: please see Conservation Commission's project file

Draft minutes submitted by Lee Ann Tavares: 2/15/12

Reviewed by Jane Sears Pierce: 3/1/12

Approved by Commission: 3/5/12